

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2248 of 2018
and C.M.P.No.17898 of 2018

- 1.A.G.Rajasekaran
- 2.K.Sathyabama
- 3.S.Johnson Jesudas
- 4.M.Ganesan
- 5.C.Sampath
- 6.V.Parimala Devi
- 7.K.R.Nalini
- 8.D.Ravichandran
- 9.N.Padmavathi
- 10.S.Ramalingam
- 11.V.Yesudoss
- 12.A.S.Dhanalakshmi
- 13.A.Velayutham

... Appellants/Petitioners

-vs-

- 1.The State of Tamil Nadu
rep.by its Secretary to Government,
Finance Department,
Fort St.George,
Chennai-600 009.

- 2.The State of Tamil Nadu
rep.by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.

- 3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

- 4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.

... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.18252 of 2018 dated 18.07.2018.

Prayer in WP No.18252 of 2018:-

This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorified Mandamus to call for the records relating to the letter of the 2nd respondent having letter No.16280/VE/ 2011-4 dated 14.06.2012 to the 3rd respondent rejecting the request of the 3rd respondent to take the services rendered by part time vocational instructors for the purpose of pension and quash the same and consequently direct the 1st and 2nd respondents to sanction the pension to the petitioners who worked as part time vocational Instructors before their services were regularised and absorbed as Vocational Instructors by reckoning 50% service of the petitioners as part time vocational instructors for calculating the qualifying service for pension and for calculating quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules to enable the concerned authorities to disburse the pension to the petitioners as and when the petitioners retire from service.

For Appellants : Ms.C.Uma

For Respondents : Mr.C.Munusamy,
Special Government Pleader

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellants herein have filed a writ petition before this Court in W.P.No.18252 of 2018 praying for setting aside the letter dated 14.06.2012 of the second respondent to the third respondent, rejecting the request of the third respondent to take the services rendered by the part-time Vocational Instructors for the purpose of pension and also to consequently direct the first and second respondents to sanction pension to the appellants who worked as part-time Vocational Instructors before their services were regularised and absorbed as Vocational Instructors by reckoning 50% service of the appellants as part-time Vocational Instructors for calculating the qualifying service for pension and for calculating quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules to enable the concerned authorities to disburse pension to the appellants as and when the appellants retire from service. The Division Bench judgment of this Court in W.A.Nos.882, 808 of 2017 etc.batch dated 06.04.2018, has been relied upon by the learned counsel who represented the appellants herein, before the writ Court, in support of his contention.

2.Considering the facts and circumstances of the case, the learned single Judge rejected the prayer made by the appellants by order dated 18.07.2018 on the ground that the provision for counting 50% of the past service rendered as Part Time Vocational Instructors shall only be applicable to the cases pending either on the date on which the order was passed or earlier to the same, ie., on or before 06.04.2018 and shall not apply to future cases.

3.Challenging the order passed in the writ petition, the present appeal has been filed by the appellants.

4.The learned counsel for the appellants has submitted that the time factor cannot be applied to pension cases.

5.The learned Special Government Pleader appearing for the respondents has submitted that this Court in the judgment made in W.A.Nos.882 of 2017 etc.batch, has clearly held that the benefit in respect of counting 50% of the services rendered as Part Time Vocational Instructor for the purpose of computing pension and other retiral benefits has been extended only to the respondents in those appeals and for the similarly situated persons whose cases are pending before this Court. It was made clear that the said benefit is not applicable to any other future cases that may be filed on this account, on the ground of delay and laches, since all along they have not come up before this Court and remained as fence-sitters.

6.We find that the learned single Judge has considered the matter in proper perspective and has passed the impugned order, which does not require any interference. Hence the writ appeal is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai-600 009.

2.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai-600 009.

3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.

+1 cc to M/s.C.Uma, Advocate Sr.No.71244

+1 cc to The Government Pleader, Sr.No.71072

W.A.No.2248 of 2018
and C.M.P.No.17898 of 2018

RSI (CO)
CSL/26.11.2018



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